

MINUTES
COMMITTEE ON ETHICS
TENTH FLOOR CONFERENCE ROOM
TUESDAY, FEBRUARY ~~14~~, 1995 -- 11:30 A.M.

Meeting was called to order at approximately 11:43 a.m.

MEMBERS PRESENT:

Councilmember Paul F. Novak, Chair
Councilmember Rick Lilly, Vice-Chair
Councilmember Howard Jones, Member

OTHERS PRESENT:

Orji Isiogu, Appointee
Georgia Johnson, Appointee
Russell Smith, Citizen
Paul Scott, Citizens for Better Lansing
Tim Lewis, CCSL
John Mertz, Board of Ethics
Liza Estlund Olson, Mayor's Office
Harold Leeman, Citizen
Tina Gallante, Council Staff

APPROVAL OF MINUTES

No minutes were approved.

ACTION/DISCUSSION

Consideration of Georgia Johnson and Orjiakor Isiogu to the Ethics Board

Ms. Johnson and Mr. Isiogu briefed the Committee regarding their understanding of the City's present issues. Ms. Johnson explained that she has previously been in the position to evaluate performance.

It was explained that the Ethics Board will have a very busy schedule and requested a reply from the proposed appointees relative to attendance. Both replied that there would not be a problem with attending the meetings.

Mr. Smiertka explained that the Board will start with eleven members but would eventually turn into an eight member Board. He further explained that this would occur as three of the Ethics Board members terms expire.

Chair Novak stated that Mr. Isiogu was his campaign Treasurer and requested that he recuse himself from any related issue.

VICE-CHAIR LILLY MOVED TO APPROVE THE APPOINTMENT OF MS. JOHNSON AS FIRST WARD REPRESENTATIVE FOR A FOUR YEAR TERM. MOTION SUPPORTED AND CARRIED, 3-0.

COUNCILMEMBER JONES MOVED TO APPROVE THE APPOINTMENT OF ORJIAKOR ISIOGU TO THE ETHICS BOARD FOR A TERM OF ONE YEAR.

Councilmember Novak emphasized that he will be abstaining from voting on Mr. Orjiakor's appoint, as he is also employed with the Attorney General's Office.

ON MOTION. MOTION CARRIED, 2-0.

Response from Tom Downs to Mr. Donohue's Report

The Committee engaged in discussion with respect to the resolution that is in place which allows Mr. Donohue to review the opinions prepared by the Board of Ethics. Mr. Smiertka emphasized the resolution sets up a procedure that allows Mr. Donohue to make a decision on the opinions. There was to be no re-review of Mr. Donhoue's response.

Mr. Mertz commented the Board was concerned with the limited amount of information contained in Mr. Donohue's report and was surprised at his comment with respect to the investigation going to the State Police.

COUNCILMEMBER LILLY MOVED TO RECEIVE THE RESPONSE AND PLACE IT ON FILE. MOTION CARRIED, 3-0.

Board of Ethics Opinion #22

Based on the resolution already in place, Councilmember Lilly stated he would recommend the opinion be referred by Mr. Donohue. Councilmember Novak is of the understanding it already has been referred, per the resolution.

Mr. Mertz stated the Board chose to begin investigating from who they thought the top person was, on down. The first investigation took approximately 30 days, the second took over a month, due to the holiday season. He is not sure about how long the third investigation will take. The Board hopes to make a final report in April or June.

No action needed.

Letter from John Mertz Regarding Board of Ethics Quorum Required to do Business

Councilmember Novak indicated he was concerned as to when the new appointments become effective for the Board of Ethics.

Mr. Smiertka stated there has not been a conclusion reached yet on the matter; however, the Charter says Board appointments being July 1 of each year but it seems fruitless to wait for nine months.

Mr. Mertz commented that he has heard some concern why the Board continues to work with their floating quorum. Because of that, the Board passed an interim set of rules to be utilized until all the members have been appointed. In acting with the rules and looking at the Mason's Rules of Procedure, along with what the Attorney General recommended, the Board decided to keep on functioning.

Mr. Smiertka stated there is an issue of whether there is any ethical concern with what the Board is doing now and can they continue to investigate. In their functions now, there is no due process involved and it would seem to be allowable to let them operate as they have been.

Councilmember Lilly referred to Mr. Mertz's letter of January 29 1995, where he stated "*there are no current vacancies on the Board of Ethics.*" He then referred to the Charter which states that once appointments are approved, they can start to serve on the Board, adding that the appointments made today could be allowed to serve beginning from the Monday night they are approved, to June 30, 1995, and then to allow them to begin their term on July 1.

Mr. Smiertka indicated that could be a viable solution in the matter and he will have to investigate it further.

The Committee then discussed what the actual terms would be for the new appointees and rather than do one year appointments make them for four years.

Mr. Smiertka stated he will research the matter and report back to the Committee with his recommendation.

COUNCILMEMBER LILLY MOVED TO AMEND THE PREVIOUS MOTIONS AND TO RECOMMEND APPROVAL OF MS. JOHNSON AND MR. ISIUGU TO THE BOARD OF ETHICS EFFECTIVE IMMEDIATELY UPON FINAL VOTE OF THEIR APPOINTMENTS UNTIL JUNE 30, 1995. MOTION CARRIED, 3-0.

Councilmember Novak again stated that he only concurs in the vote concerning Ms. Johnson and abstains from the vote of Mr. Isiogu.

Board of Ethics -- Interim Rules of Procedure

This item was held until the next meeting.

ADJOURN:

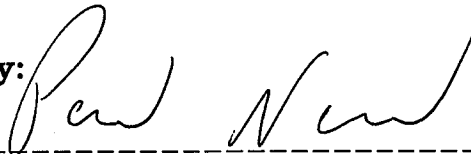
Meeting was adjourned at 12.50 p.m.

Respectfully submitted,

**Tina M. Gallante
Administrative Secretary**

Approved by the Committee.

Signed by:



**COUNCILMEMBER PAUL F. NOVAK
CHAIR**

Appropriate documents attached.